



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/729,696

12/05/2003

Richard D. Borovoy

18601-0003002

4580

26181 7590 12/18/2008
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT

PAPER NUMBER

2612

NOTIFICATION DATE

DELIVERY MODE

12/18/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No. 10/729,696	Applicant(s) BOROVOY ET AL.	
	Examiner Julie Lieu	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 11, 13, 14 and 21-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11, 13, 14, 21, 22 and 28-44 is/are rejected.
- 7) ☒ Claim(s) 23-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to Applicant's RCE filed August 22, 2008.

Claim Objections

2. Claim 28 is objected to because of the following informalities: it appears that this claim limitation is a redundant of the claim limitation recited in claim 1, last paragraph. Appropriate correction or clarification is required.

Claim Rejections - 35 USC § 103

3. Claims 1-6, 11, 13, 14, 21, 22, and 28-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lightman et al. (US 6,711,414 B1).

Regarding claim 1, Lightman discloses a method comprising:

for a set of display units 112 that communicate with one another and are being worn by wearers at an event (col. 5, lines 10-36) that involves social networking (col. 9, lines 33-45);

in each of multiple interactions between the wearers of the display units,

enabling the display unit of a first one to automatically communicate to a display unit of a second wearer the stored identifications of people who were within the social network of the first wearer (col. 9, lines 1-29),

Art Unit: 2612

enabling, without wearer intervention (col. 13, lines 1-5), analysis of the social network of the first wearer and the social network of the first wearer (col. 9, lines 33-46); and

enabling one or both of the display units to display a measure expressing a result of the analysis of the social network of the first wearer and the social network of the second wearer (col. 9, lines 33-46); and

enabling identification of a person, who meets the first wearer and whose display unit are identified, as a result of communication with the first display unit of the first wearer, to be added to the stored identifications of people who are within the social network of the first wearer (col. 8 lines 6-12).

The reference fails to disclose enabling storage of identifications of people who were within a social network of a wearer of a first display unit of the set prior to the wearer's arrival at the event. However, the reference suggests that the user can prestore his/her interest/search criteria (col. 5, lines 63-67) and also a first communication device can communicate with a second communication device to find particular person the first device is interested in (col. 9, lines 22-29). Therefore, the reference infers that a list (could also be one item) of identifications of individuals is stored in the communication device prior to the event.

Regarding claim 2, Lightman teaches displaying the measure is in response to a receipt by one of the display units of the stored identifications communicated by the display unit of the second wearer. Col. 9, lines 41-46.

Regarding claim 3, Lightman teaches each display unit being worn in a manner to be visible to the wearer of another display unit.

Art Unit: 2612

Regarding claims 4 and 5, Lightman fails to teach that the first wearer taking an action based on the displayed measure on the display unit of the second wearer. However, it is only up to the device user's discretion whether to take any action based on the display measure on the display unit of the second wearer. Therefore, this claimed feature is not an inventive step. It would be obvious to one of ordinary skill in the art that the first wearer can take action such as using at least a portion of the communicated identifications because it would clearly be the reason why the identifications were obtained.

Regarding claim 6, Lightman teaches that the first wearer's device is configured to be used for social filtering, thus, it is inherent that the action if taken by first wearer being an attempt to find a person. Col. 9, lines 22-45.

Regarding claims 11 and 13, Lightman suggest that the identifications of people including time-related information, that is, whether the second wearer knows those people or have met those people and communicated with them for at least 10 minutes, the time-related information disclosed in Lightman being related to a time that has elapsed since the wearer of the display unit communicating has communicated with the third person identified as being within the social network of the wearer. Col. 9, lines 23-28.

Regarding claim 14, Lightman discloses that the identifications of people including information related to the location of a third wearer. Col. 9, lines 33-46.

Regarding claim 21, Lightman teaches a wearable electronic display unit to be worn by a first person, comprising:

Art Unit: 2612

a display 216 capable of displaying text and graphics (col. 4, lines 38-48) adapted for viewing at a distance by a second person and adapted for being read by the first person, that is, the display in Lightman can be viewed by other wearers of the device, respectively;

an information transmitting and receiving interface 266 (col. 7, lines 5-18) located on the display so that, when the interface faces in a direction of a short-range substantially unidirectional communication, electronic communication is possible between the display unit and a second display unit worn by a second person, the display unit having the capability to

(1) add, to the stored identifications, an identification of the second person as being within the first person's social network (col. 8 lines 6-12);

(2) receive stored identifications of people who are within the second person's social network (col. 9, lines 1-29),

(2) without wearer intervention (col. 13, lines 1-5), analyze the social network of the first person and the social network of the second person (col. 9, lines 33-46), and

(3) display a measure expressing a result of the analysis of the social network of the first person and the social network of the second person (col. 10, lines 4-11).

Regarding the first and second mode of the display, it appears that the display of Lightman performs the same function as that claimed because even though Lightman fails to disclose first and second modes, the display in Lightman is adapted to be viewed by the display wearer and others at a distance.

The reference fails to disclose that the display having access to stored identification of people who were within the first person's social network prior to a receipt or activation of the display unit by the first person. However, the reference suggests that the user can prestore

Art Unit: 2612

his/her interest/search criteria (col. 5, lines 63-67) and also a first communication device can communicate with a second communication device to find particular person the first device wearer is interested in (col. 9, lines 22-29). Therefore, the reference infers that a list (could also be one item) of identifications of individuals is stored in the communication device prior to a receipt or activation of the display unit and the display has access to it when it is activated.

Regarding claim 22, the display interface device in Lightman comprises an infrared transceiver (col. 6, lines 36-40).

Regarding claim 28, Lightman teaches adding to identifications of people, who meet the first wearer (within the social network of the first wearer), who are identified as being within the social network display unit of the first wearer (stored identification in the first display unit), to be added to the stored identifications of people who are within the social network of the first wearer (col. 8 lines 6-12).

Regarding claim 29, in Lightman's method, the identifications of people who are identified as a result of communication by the first display unit with the second display unit are added to the stored identifications by the display units without direct user input. Col. 8, lines 30-34).

Regarding claims 30, in Lightman's method, the measure comprises a number of the people who are identified as within the social networks of both the first and the second wearers. Col. 10, lines 4-11.

Regarding claim 31, Lightman fails to disclose that the measure comprises identities of at least some people who are within the social networks of both the first and the second wearers. However, the reference suggest displaying an affinity score and social filtering information (col.

Art Unit: 2612

10, lines 4-11), thus, it would have been obvious to one skilled in the art to readily recognized also displaying the identifications as desired because it would be more informative.

Regarding claim 32, though Lightman fails to disclose that the social networks comprise relationship data that the wearers have entered before the event, it would have been obvious to one skilled in the art that this is only a choice in design as to what information to be included. Therefore, one skilled in the art would have readily recognized including relationship data in the information as desired.

Regarding the claimed “before the event”, the reference suggests that the user can prestore his/her interest/search criteria (col. 5, lines 63-67) and also a first communication device can communicate with a second communication device to find particular person the first device is interested in (col. 9, lines 22-29). Therefore, the reference infers that a list (could also be one item) of identifications of individuals is stored in the communication device prior to a receipt or activation of the display unit and the display has access to it when it is activated.

Regarding claim 33, the Lightman system and method includes the social networks comprise data about people whom one or both of the wearers have met at the event. Col. 9, lines 33-45.

Regarding claim 34, the measure disclosed in Lightman’s can also be based on communication by the display unit of the first wearer with a server, which is a portal. Col. 9, last paragraph.

Regarding claim 35, Lightman fails to clearly disclose determining a measure of an order of contact between the first wearer and the second wearer, in which the order of contact comprises how many contacts are between the first and the second wearers based on the social

Art Unit: 2612

networks of the first and the second wearers. However, the reference suggests determining an affinity score. Thus, one skilled in the art would have readily recognized that in social filtering application of the Lightman system, the affinity score would be related to a measure such as a number of contacts that are commonly known by both the first and second wearers.

Regarding claim 36, though Lightman fails to disclose that the social networks comprise relationship data that the wearers have entered before the event, it would have been obvious to one skilled in the art that this is only a choice in design as to what information should be included. Therefore, one skilled in the art would have readily recognized including relationship data in the information as desired.

Regarding the claimed “before the event”, the reference suggests that the user can prestore his/her interest/search criteria (col. 5, lines 63-67) and also a first communication device can communicate with a second communication device to find particular person the first device is interested in (col. 9, lines 22-29). Therefore, the reference infers that a list (could also be one item) of identifications of individuals is stored in the communication device prior to a receipt or activation of the display unit and the display has access to it when it is activated.

Regarding claim 37, Lightman discloses that the analysis uses social networks comprising the identities of people whom one or both wearers met at the event. Col. 9, lines 32-44.

Regarding claim 38, in Lightman's method, the result of the analysis comprises a measure of a value to the first wearer of interacting with the second wearer, in which the value is related to the people identified as within the social networks of both the first and the second wearers, in other words the affinity score (col. 10, lines 4-11).

Art Unit: 2612

Regarding claim 39, though Lightman fails to disclose that the social networks comprise relationship data that the wearers have entered before the event, it would have been obvious to one skilled in the art that this is only a choice in design as to what information should be included. Therefore, one skilled in the art would have readily recognized including relationship data in the information as desired.

Regarding the claimed “before the event”, the reference suggests that the user can prestore his/her interest/search criteria (col. 5, lines 63-67) and also a first communication device can communicate with a second communication device to find particular person the first device is interested in (col. 9, lines 22-29). Therefore, the reference infers that a list (could also be one item) of identifications of individuals is stored in the communication device prior to a receipt or activation of the display unit and the display has access to it when it is activated.

Regarding claim 40, Lightman discloses that the analysis uses social networks comprising the identities of people whom one or both wearers met at the event. Col. 9, lines 32-44.

Regarding claim 41, Lightman teaches uploading/downloading (transferring) data between the display and an external device such as a PC or PDA (col. 7, lines 11-14). Though it is not clearly stated that the data is the identification of people who were added, one of ordinary skill in the art would have readily recognized in the social networking applications, such identification of new contacts would be download to the social network database because part of social networking is to keep a record of contacts including those just met during a social event.

Regarding claims 42-44, the claimed features of these claims would not constitute an inventive step because how the display unit would be used by a user so that a certain data or

Art Unit: 2612

information would be manipulated according to the user's discretion only constitute a choice in design.

Allowable Subject Matter

4. Claims 23-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No prior arts have been found to fairly disclose or suggest a sensor to detect the orientation of the display and the display operating in the first mod and the second modes in which the orientation of the text are different based on the detection provided by the sensor.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Lee can be reached on 571-272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Julie Lieu/
Primary Examiner
Art Unit 2612

Dec 15, 08